

EXHIBIT B

(Part 2 of 3)

1 documents sufficient to reasonably describe the development of Blockbuster Online
2 and will produce such documents so located that have not already been produced in
3 this case.

4 **REQUEST FOR PRODUCTION NO. 32:**

5 DOCUMENTS sufficient to describe fully the corporate organization
6 of BLOCKBUSTER and each of its divisions, subdivisions, units, subsidiaries or
7 affiliates, including but not limited to organizational charts, personnel directories,
8 telephone directories, and electronic mail user and address lists.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

10 Each of Blockbuster's General Objections is incorporated here by
11 reference. Blockbuster specifically objects to this request to the extent it seeks
12 documents that are protected by the attorney-client privilege, the attorney work-
13 product doctrine, or any other applicable privilege or immunity and to the extent
14 that it seeks documents that are confidential or proprietary. Blockbuster further
15 specifically objects to this request on the grounds that it is vague, ambiguous,
16 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
17 calculated to lead to the discovery of admissible evidence in this case, and is
18 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
19 The bases for these objections include, without limitation, this request's use of the
20 term "BLOCKBUSTERONLINE."

21 Subject to and without waiving the foregoing objections, Blockbuster
22 will conduct a reasonable and diligent search for non-privileged, non-work-product
23 documents sufficient to reasonably describe the corporate organization of
24 Blockbuster Inc. since 2004 and will produce such documents so located that have
25 not already been produced in this case.

26 **REQUEST FOR PRODUCTION NO. 33:**

27 DOCUMENTS sufficient to identify each and every BLOCKBUSTER
28 officer, manager, director, agent, and employee who had responsibility for, or who

1 was assigned to implement, the design, research, development, testing, and
2 operation of BLOCKBUSTERONLINE.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

4 Each of Blockbuster's General Objections is incorporated here by
5 reference. Blockbuster specifically objects to this request to the extent it seeks
6 documents that are protected by the attorney-client privilege, the attorney work-
7 product doctrine, or any other applicable privilege or immunity and to the extent
8 that it seeks documents that are confidential or proprietary. Blockbuster further
9 specifically objects to this request on the grounds that it is vague, ambiguous,
10 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
11 calculated to lead to the discovery of admissible evidence in this case, and is
12 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
13 The bases for these objections include, without limitation, this request's use of the
14 terms "BLOCKBUSTER" and "BLOCKBUSTERONLINE."

15 Subject to and without waiving the foregoing objections, Blockbuster
16 will conduct a reasonable and diligent search for non-privileged, non-work-product
17 documents sufficient to reasonably identify employees of Blockbuster Online and
18 will produce such documents so located that have not already been produced in this
19 case.

20 **REQUEST FOR PRODUCTION NO. 34:**

21 All DOCUMENTS RELATING TO agreements between
22 BLOCKBUSTER and any consultant, including but not limited to ACCENTURE,
23 IBM, and David Perkovich, to provide consultation services or products to
24 BLOCKBUSTER relating to the development or operation of
25 BLOCKBUSTERONLINE.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

27 Each of Blockbuster's General Objections is incorporated here by
28 reference. Blockbuster specifically objects to this request to the extent it seeks

documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "ACCENTURE," "IBM," and "RELATING TO."

Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product documents sufficient to reasonably describe any agreements by Blockbuster Inc. for consulting services provided by Accenture, IBM, and David Perkovich for Blockbuster Online and will produce such documents so located that have not already been produced in this case.

REQUEST FOR PRODUCTION NO. 35:

All DOCUMENTS exchanged between BLOCKBUSTER and any consultant, including but not limited to ACCENTURE, IBM, and David Perkovich, in connection with any agreement to provide consulting services or products to BLOCKBUSTER relating to the development or operation of BLOCKBUSTERONLINE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further

1 specifically objects to this request on the grounds that it is vague, ambiguous,
 2 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
 3 calculated to lead to the discovery of admissible evidence in this case, and is
 4 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
 5 The bases for these objections include, without limitation, this request's use of the
 6 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "ACCENTURE," and
 7 "IBM."

8 Subject to and without waiving the foregoing objections, Blockbuster
 9 will conduct a reasonable and diligent search for non-privileged, non-work-product
 10 documents sufficient to reasonably describe consulting services provided by
 11 Accenture, IBM, and David Perkovich for Blockbuster Online and will produce
 12 such documents so located that have not already been produced in this case.

13 **REQUEST FOR PRODUCTION NO. 36:**

14 DOCUMENTS sufficient to identify the employees, contractors, or
 15 agents of any consultant, including but not limited to ACCENTURE, IBM and
 16 DVD Rental Central, who provided any information or performed any service for
 17 BLOCKBUSTER in connection with the design, research, development, testing,
 18 marketing, and operation of BLOCKBUSTERONLINE.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

20 Each of Blockbuster's General Objections is incorporated here by
 21 reference. Blockbuster specifically objects to this request to the extent it seeks
 22 documents that are protected by the attorney-client privilege, the attorney work-
 23 product doctrine, or any other applicable privilege or immunity and to the extent
 24 that it seeks documents that are confidential or proprietary. Blockbuster further
 25 specifically objects to this request on the grounds that it is vague, ambiguous,
 26 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
 27 calculated to lead to the discovery of admissible evidence in this case, and is
 28 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.

1 The bases for these objections include, without limitation, this request's use of the
 2 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "ACCENTURE," and
 3 "IBM."

4 Subject to and without waiving the foregoing objections, Blockbuster
 5 will conduct a reasonable and diligent search for non-privileged, non-work-product
 6 reasonably identify employees of Accenture, IBM, and David Perkovich who are
 7 known to Blockbuster Inc. to have had significant involvement in providing
 8 consulting services for Blockbuster Online and will produce such documents so
 9 located that have not already been produced in this case.

10 **REQUEST FOR PRODUCTION NO. 37:**

11 All DOCUMENTS RELATING TO the consideration by
 12 BLOCKBUSTER, or by any consultant retained in connection with developing or
 13 operating BLOCKBUSTERONLINE, of NETFLIX's ON-LINE rental system,
 14 products, services, website, or methods.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

16 Each of Blockbuster's General Objections is incorporated here by
 17 reference. Blockbuster specifically objects to this request to the extent it seeks
 18 documents that are protected by the attorney-client privilege, the attorney work-
 19 product doctrine, or any other applicable privilege or immunity and to the extent
 20 that it seeks documents that are confidential or proprietary. Blockbuster further
 21 specifically objects to this request on the grounds that it is vague, ambiguous,
 22 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
 23 calculated to lead to the discovery of admissible evidence in this case, and is
 24 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
 25 The bases for these objections include, without limitation, this request's use of the
 26 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "NETFLIX," and "ON-
 27 LINE."

28 Subject to and without waiving the foregoing objections, Blockbuster

1 will conduct a reasonable and diligent search for non-privileged, non-work-product
 2 documents discussing consideration of Netflix in connection with developing or
 3 operating Blockbuster Online and will produce such documents so located that have
 4 not already been produced in this case.

5 **REQUEST FOR PRODUCTION NO. 38:**

6 All DOCUMENTS RELATING TO the consideration by
 7 BLOCKBUSTER, or by any consultant retained in connection with developing or
 8 operating BLOCKBUSTERONLINE, of any NETFLIX patents or patent
 9 applications.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

11 Each of Blockbuster's General Objections is incorporated here by
 12 reference. Blockbuster specifically objects to this request to the extent it seeks
 13 documents that are protected by the attorney-client privilege, the attorney work-
 14 product doctrine, or any other applicable privilege or immunity and to the extent
 15 that it seeks documents that are confidential or proprietary. Blockbuster further
 16 specifically objects to this request on the grounds that it is vague, ambiguous,
 17 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
 18 calculated to lead to the discovery of admissible evidence in this case, and is
 19 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
 20 The bases for these objections include, without limitation, this request's use of the
 21 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," and "NETFLIX."

22 Subject to and without waiving the foregoing objections, Blockbuster
 23 will conduct a reasonable and diligent search for non-privileged, non-work-product
 24 documents discussing consideration of Netflix patents or patent applications in
 25 connection with developing or operating Blockbuster Online and will produce such
 26 documents so located that have not already been produced in this case.

27 **REQUEST FOR PRODUCTION NO. 39:**

28 DOCUMENTS sufficient to show when BLOCKBUSTER, or any

1 consultant retained by BLOCKBUSTER in connection with
 2 BLOCKBUSTERONLINE, first became aware of each of the PATENTS-IN-SUIT.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

4 Each of Blockbuster's General Objections is incorporated here by
 5 reference. Blockbuster specifically objects to this request to the extent it seeks
 6 documents that are protected by the attorney-client privilege, the attorney work-
 7 product doctrine, or any other applicable privilege or immunity and to the extent
 8 that it seeks documents that are confidential or proprietary. Blockbuster further
 9 specifically objects to this request on the grounds that it is vague, ambiguous,
 10 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
 11 calculated to lead to the discovery of admissible evidence in this case, and is
 12 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
 13 The bases for these objections include, without limitation, this request's use of the
 14 terms "BLOCKBUSTER" and "BLOCKBUSTERONLINE."

15 Subject to and without waiving the foregoing objections, Blockbuster
 16 will conduct a reasonable and diligent search for non-privileged, non-work-product
 17 documents sufficient to reasonably show when Blockbuster Inc. became aware of
 18 the patents-in-suit and will produce such documents so located that have not
 19 already been produced in this case.

20 **REQUEST FOR PRODUCTION NO. 40:**

21 All DOCUMENTS RELATING TO the patentability of any claim of
 22 the PATENTS-IN-SUIT including without limitation, any study, analysis, review,
 23 conclusions, or opinions, whether written or oral.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

25 Each of Blockbuster's General Objections is incorporated here by
 26 reference. Blockbuster specifically objects to this request to the extent it seeks
 27 documents that are protected by the attorney-client privilege, the attorney work-
 28 product doctrine, or any other applicable privilege or immunity and to the extent

1 that it seeks documents that are confidential or proprietary. Blockbuster further
 2 specifically objects to this request on the grounds that it is vague, ambiguous,
 3 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
 4 calculated to lead to the discovery of admissible evidence in this case, and is
 5 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,
 6 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases
 7 for these objections include, without limitation, this request's use of the term
 8 "RELATING TO."

9 Subject to and without waiving the foregoing objections, Blockbuster
 10 will conduct a reasonable and diligent search for non-privileged, non-work-product
 11 documents providing evidence whether claims of the patents-in-suit were or are
 12 patentable and will produce such documents so located that have not already been
 13 produced in this case.

14 **REQUEST FOR PRODUCTION NO. 41:**

15 All DOCUMENTS RELATING TO the validity or invalidity of any
 16 claim of the PATENTS-IN-SUIT, including without limitation, any study, analysis,
 17 review, conclusions, research, investigation, or opinions, whether written or oral.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

19 Each of Blockbuster's General Objections is incorporated here by
 20 reference. Blockbuster specifically objects to this request to the extent it seeks
 21 documents that are protected by the attorney-client privilege, the attorney work-
 22 product doctrine, or any other applicable privilege or immunity and to the extent
 23 that it seeks documents that are confidential or proprietary. Blockbuster further
 24 specifically objects to this request on the grounds that it is vague, ambiguous,
 25 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
 26 calculated to lead to the discovery of admissible evidence in this case, and is
 27 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,
 28 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases

1 for these objections include, without limitation, this request's use of the term
2 "RELATING TO."

3 Subject to and without waiving the foregoing objections, Blockbuster
4 will conduct a reasonable and diligent search for non-privileged, non-work-product
5 documents providing evidence whether claims of the patents-in-suit were or are
6 valid and will produce such documents so located that have not already been
7 produced in this case.

8 **REQUEST FOR PRODUCTION NO. 42:**

9 All DOCUMENTS RELATING TO the novelty or lack thereof of any
10 claim of the PATENTS-IN-SUIT, including without limitation, any study, analysis,
11 review, conclusions, research, investigation, or options, whether written or oral.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

13 Each of Blockbuster's General Objections is incorporated here by
14 reference. Blockbuster specifically objects to this request to the extent it seeks
15 documents that are protected by the attorney-client privilege, the attorney work-
16 product doctrine, or any other applicable privilege or immunity and to the extent
17 that it seeks documents that are confidential or proprietary. Blockbuster further
18 specifically objects to this request on the grounds that it is vague, ambiguous,
19 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
20 calculated to lead to the discovery of admissible evidence in this case, and is
21 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,
22 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases
23 for these objections include, without limitation, this request's use of the term
24 "RELATING TO."

25 Subject to and without waiving the foregoing objections, Blockbuster
26 will conduct a reasonable and diligent search for non-privileged, non-work-product
27 documents providing evidence whether claims of the patents-in-suit were novel and
28 will produce such documents so located that have not already been produced in this

1 case.

2 **REQUEST FOR PRODUCTION NO. 43:**

3 All DOCUMENTS RELATING TO the obviousness or non-
4 obviousness of any claim of the PATENTS-IN-SUIT, including without limitation,
5 any study, analysis, review, conclusions, research, investigation, or opinions,
6 whether written or oral.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

8 Each of Blockbuster's General Objections is incorporated here by
9 reference. Blockbuster specifically objects to this request to the extent it seeks
10 documents that are protected by the attorney-client privilege, the attorney work-
11 product doctrine, or any other applicable privilege or immunity and to the extent
12 that it seeks documents that are confidential or proprietary. Blockbuster further
13 specifically objects to this request on the grounds that it is vague, ambiguous,
14 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
15 calculated to lead to the discovery of admissible evidence in this case, and is
16 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,
17 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases
18 for these objections include, without limitation, this request's use of the term
19 "RELATING TO."

20 Subject to and without waiving the foregoing objections, Blockbuster
21 will conduct a reasonable and diligent search for non-privileged, non-work-product
22 documents providing evidence whether claims of the patents-in-suit were obvious
23 and will produce such documents so located that have not already been produced in
24 this case.

25 **REQUEST FOR PRODUCTION NO. 44:**

26 All DOCUMENTS RELATING TO the enforceability or non-
27 enforceability of any claim of the PATENTS-IN-SUIT, including without
28 limitation, any study, analysis, review, conclusions, research, investigation, or

1 opinions, whether written or oral.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

3 Each of Blockbuster's General Objections is incorporated here by
 4 reference. Blockbuster specifically objects to this request to the extent it seeks
 5 documents that are protected by the attorney-client privilege, the attorney work-
 6 product doctrine, or any other applicable privilege or immunity and to the extent
 7 that it seeks documents that are confidential or proprietary. Blockbuster further
 8 specifically objects to this request on the grounds that it is vague, ambiguous,
 9 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
 10 calculated to lead to the discovery of admissible evidence in this case, and is
 11 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,
 12 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases
 13 for these objections include, without limitation, this request's use of the term
 14 "RELATING TO."

15 Subject to and without waiving the foregoing objections, Blockbuster
 16 will conduct a reasonable and diligent search for non-privileged, non-work-product
 17 documents providing evidence whether claims of the patents-in-suit were or are
 18 enforceable and will produce such documents so located that have not already been
 19 produced in this case.

20 **REQUEST FOR PRODUCTION NO. 45:**

21 All DOCUMENTS RELATING TO actual or potential infringement
 22 or non-infringement of any claim of the PATENTS-IN-SUIT by
 23 BLOCKBUSTERONLINE, including without limitation, any study, analysis,
 24 review, conclusions, research, investigation or opinions, whether written or oral.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

26 Each of Blockbuster's General Objections is incorporated here by
 27 reference. Blockbuster specifically objects to this request to the extent it seeks
 28 documents that are protected by the attorney-client privilege, the attorney work-

1 product doctrine, or any other applicable privilege or immunity and to the extent
 2 that it seeks documents that are confidential or proprietary. Blockbuster further
 3 specifically objects to this request on the grounds that it is vague, ambiguous,
 4 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
 5 calculated to lead to the discovery of admissible evidence in this case, and is
 6 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,
 7 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases
 8 for these objections include, without limitation, this request's use of the terms
 9 "BLOCKBUSTERONLINE" and "RELATING TO."

10 Subject to and without waiving the foregoing objections, Blockbuster
 11 will conduct a reasonable and diligent search for non-privileged, non-work-product
 12 documents discussing infringement or non-infringement of the patents-in-suit and
 13 will produce such documents so located that have not already been produced in this
 14 case.

15 **REQUEST FOR PRODUCTION NO. 46:**

16 All DOCUMENTS RELATING TO any opinion of legal counsel with
 17 respect to infringement, non-infringement, validity, invalidity, enforceability,
 18 interpretation or scope of any claim of the PATENTS-IN-SUIT, including without
 19 limitation any oral or written options or advice.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

21 Each of Blockbuster's General Objections is incorporated here by
 22 reference. Blockbuster specifically objects to this request to the extent it seeks
 23 documents that are protected by the attorney-client privilege, the attorney work-
 24 product doctrine, or any other applicable privilege or immunity and to the extent
 25 that it seeks documents that are confidential or proprietary. Blockbuster further
 26 specifically objects to this request on the grounds that it is vague, ambiguous,
 27 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
 28 calculated to lead to the discovery of admissible evidence in this case, and is

beyond the scope of discovery permitted by the Federal Rules of Civil Procedure, the Patent Local Rules, and the Court's Scheduling Order at this time. The bases for these objections include, without limitation, this request's use of the term "RELATING TO."

Subject to and without waiving the foregoing objections, Blockbuster will produce any requested documents only at the time provided in the Court's scheduling order.

REQUEST FOR PRODUCTION NO. 47:

All DOCUMENTS RELATING TO any COMMUNICATION between BLOCKBUSTER, or anyone acting on its behalf, and any other third party about the patentability, validity, enforceability, scope, or infringement by BLOCKBUSTERONLINE of any claim of the PATENTS-IN-SUIT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 47:

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "RELATING TO," and "other third party."

Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product communications between Blockbuster and unrelated third parties discussing

1 patentability, validity, enforceability, scope, or infringement by Blockbuster Online
 2 of the patents-in-suit and will produce such documents so located that have not
 3 already been produced in this case.

4 **REQUEST FOR PRODUCTION NO. 48:**

5 All DOCUMENTS RELATING TO any COMMUNICATION, study,
 6 analysis, review, conclusions, or opinions, whether written or oral, regarding any of
 7 the NCR PATENTS.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

9 Each of Blockbuster's General Objections is incorporated here by
 10 reference. Blockbuster specifically objects to this request to the extent it seeks
 11 documents that are protected by the attorney-client privilege, the attorney work-
 12 product doctrine, or any other applicable privilege or immunity and to the extent
 13 that it seeks documents that are confidential or proprietary. Blockbuster further
 14 specifically objects to this request on the grounds that it is vague, ambiguous,
 15 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
 16 calculated to lead to the discovery of admissible evidence in this case, and is
 17 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
 18 The bases for these objections include, without limitation, this request's use of the
 19 term "RELATING TO."

20 Subject to and without waiving the foregoing objections, Blockbuster
 21 will conduct a reasonable and diligent search for non-privileged, non-work-product
 22 documents discussing the NCR patents and will produce such documents so located
 23 that have not already been produced in this case.

24 **REQUEST FOR PRODUCTION NO. 49:**

25 All DOCUMENTS RELATING TO any COMMUNICATION, study,
 26 analysis, review, conclusions, or opinions, whether written or oral, as to United
 27 States Patent. No. 5,459,306, issued on October 17, 1995, entitled "Method and
 28 System for Delivering On Demand, Individually Targeted Promotions."

RESPONSE TO REQUEST FOR PRODUCTION NO. 49:

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the term "RELATING TO."

Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product documents discussing the '306 patent and will produce such documents so located that have not already been produced in this case.

REQUEST FOR PRODUCTION NO. 50:

All DOCUMENTS RELATING TO any comparison of the functions, features, or characteristics of BLOCKBUSTERONLINE with any of the functions, features, or characteristics of NETFLIX's system.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50:

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor

1 calculated to lead to the discovery of admissible evidence in this case, and is
2 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
3 The bases for these objections include, without limitation, this request's use of the
4 terms "BLOCKBUSTERONLINE" and "RELATING TO."

5 Subject to and without waiving the foregoing objections, Blockbuster
6 will conduct a reasonable and diligent search for non-privileged, non-work-product
7 documents comparing Blockbuster Online with Netflix and will produce such
8 documents so located that have not already been produced in this case.

9 **REQUEST FOR PRODUCTION NO. 51:**

10 All DOCUMENTS RELATING to any comparison of the functions,
11 features, or characteristics of BLOCKBUSTERONLINE with any claim of the
12 PATENTS-IN-SUIT.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51:**

14 Each of Blockbuster's General Objections is incorporated here by
15 reference. Blockbuster specifically objects to this request to the extent it seeks
16 documents that are protected by the attorney-client privilege, the attorney work-
17 product doctrine, or any other applicable privilege or immunity and to the extent
18 that it seeks documents that are confidential or proprietary. Blockbuster further
19 specifically objects to this request on the grounds that it is vague, ambiguous,
20 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
21 calculated to lead to the discovery of admissible evidence in this case, and is
22 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
23 The bases for these objections include, without limitation, this request's use of the
24 terms "BLOCKBUSTERONLINE," "NETFLIX," and "RELATING TO."

25 Subject to and without waiving the foregoing objections, Blockbuster
26 will conduct a reasonable and diligent search for non-privileged, non-work-product
27 documents comparing Blockbuster Online with the patents-in-suit and will produce
28 such documents so located that have not already been produced in this case.

REQUEST FOR PRODUCTION NO. 52:

All DOCUMENTS RELATING to any comparison of the functions, features, or claims of the NCR PATENTS with any claim of the PATENTS-IN-SUIT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 52:

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the term "RELATING TO."

Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product documents comparing the NCR patents with any claims of the patents-in-suit and will produce such documents so located that have not already been produced in this case.

REQUEST FOR PRODUCTION NO. 53:

All DOCUMENTS RELATING to any comparison of the functions, features, or claims of United States Patent. No. 5,459,306, issued on October 17, 1995, entitled "Method and System for Delivering On Demand, Individually Targeted Promotions," with any claim of the PATENTS-IN-SUIT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 53:

Each of Blockbuster's General Objections is incorporated here by

reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the term "RELATING TO."

Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product documents comparing the '306 patent with any claims of the patents-in-suit and will produce such documents so located that have not already been produced in this case.

REQUEST FOR PRODUCTION NO. 54:

All DOCUMENTS RELATING TO any patent, literature or prior art search conducted with respect to either of the PATENTS-IN-SUIT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 54:

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,

1 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases
 2 for these objections include, without limitation, this request's use of the term
 3 "RELATING TO."

4 Subject to and without waiving the foregoing objections, Blockbuster
 5 will conduct a reasonable and diligent search for non-privileged, non-work-product
 6 documents discussing searches referred to in this request and will produce such
 7 documents so located that have not already been produced in this case.

8 **REQUEST FOR PRODUCTION NO. 55:**

9 All DOCUMENTS RELATING TO any COMMUNICATIONS
 10 between BLOCKBUSTER and NETFLIX.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 55:**

12 Each of Blockbuster's General Objections is incorporated here by
 13 reference. Blockbuster specifically objects to this request to the extent it seeks
 14 documents that are protected by the attorney-client privilege, the attorney work-
 15 product doctrine, or any other applicable privilege or immunity and to the extent
 16 that it seeks documents that are confidential or proprietary. Blockbuster further
 17 specifically objects to this request on the grounds that it is vague, ambiguous,
 18 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
 19 calculated to lead to the discovery of admissible evidence in this case, and is
 20 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
 21 The bases for these objections include, without limitation, this request's use of the
 22 terms "BLOCKBUSTER," "NETFLIX," and "RELATING TO."

23 Subject to and without waiving the foregoing objections, Blockbuster
 24 will conduct a reasonable and diligent search for non-privileged, non-work-product
 25 documents constituting or recording communications between Blockbuster Inc. and
 26 Netflix, Inc., and will produce such documents so located that have not already
 27 been produced in this case.

28 ///

REQUEST FOR PRODUCTION NO. 56:

DOCUMENTS sufficient to describe fully BLOCKBUSTER's electronic mail, electronic mail backup, and electronic mail deletion policies.

RESPONSE TO REQUEST FOR PRODUCTION NO. 56:

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the term "BLOCKBUSTER."

Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product documents sufficient to reasonably describe any potentially relevant email policies of Blockbuster Inc. in effect between January 1, 2003 and the present and will produce such documents so located that have not already been produced in this case.

REQUEST FOR PRODUCTION NO. 57:

DOCUMENTS sufficient to describe fully each of BLOCKBUSTER's document retention policies in effect between January 1, 2003 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 57:

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-

1 product doctrine, or any other applicable privilege or immunity and to the extent
 2 that it seeks documents that are confidential or proprietary. Blockbuster further
 3 specifically objects to this request on the grounds that it is vague, ambiguous,
 4 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
 5 calculated to lead to the discovery of admissible evidence in this case, and is
 6 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
 7 The bases for these objections include, without limitation, this request's use of the
 8 term "BLOCKBUSTER."

9 Subject to and without waiving the foregoing objections, Blockbuster
 10 will conduct a reasonable and diligent search for non-privileged, non-work-product
 11 documents sufficient to reasonably describe any potentially relevant document
 12 retention policies of Blockbuster Inc. during the stated period and will produce such
 13 documents so located that have not already been produced in this case.

14 **REQUEST FOR PRODUCTION NO. 58:**

15 All DOCUMENTS RELATING TO BLOCKBUSTER's expenditures
 16 to develop and implement BLOCKBUSTERONLINE.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 58:**

18 Each of Blockbuster's General Objections is incorporated here by
 19 reference. Blockbuster specifically objects to this request to the extent it seeks
 20 documents that are protected by the attorney-client privilege, the attorney work-
 21 product doctrine, or any other applicable privilege or immunity and to the extent
 22 that it seeks documents that are confidential or proprietary. Blockbuster further
 23 specifically objects to this request on the grounds that it is vague, ambiguous,
 24 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
 25 calculated to lead to the discovery of admissible evidence in this case, and is
 26 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
 27 The bases for these objections include, without limitation, this request's use of the
 28 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," and "RELATING TO."

1 Subject to and without waiving the foregoing objections, Blockbuster
2 will conduct a reasonable and diligent search for non-privileged, non-work-product
3 documents sufficient to reasonably describe expenditures to develop and implement
4 Blockbuster Online and will produce such documents so located that have not
5 already been produced in this case.

6 **REQUEST FOR PRODUCTION NO. 59:**

7 All DOCUMENTS RELATING TO BLOCKBUSTER's expenditures
8 to maintain and operate BLOCKBUSTERONLINE from launch to the present.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 59:**

10 Each of Blockbuster's General Objections is incorporated here by
11 reference. Blockbuster specifically objects to this request to the extent it seeks
12 documents that are protected by the attorney-client privilege, the attorney work-
13 product doctrine, or any other applicable privilege or immunity and to the extent
14 that it seeks documents that are confidential or proprietary. Blockbuster further
15 specifically objects to this request on the grounds that it is vague, ambiguous,
16 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
17 calculated to lead to the discovery of admissible evidence in this case, and is
18 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
19 The bases for these objections include, without limitation, this request's use of the
20 terms "BLOCKBUSTER," and "BLOCKBUSTERONLINE," and "RELATING
21 TO."

22 Subject to and without waiving the foregoing objections, Blockbuster
23 will conduct a reasonable and diligent search for non-privileged, non-work-product
24 documents sufficient to reasonably describe expenditures to maintain and operate
25 Blockbuster Online and will produce such documents so located that have not
26 already been produced in this case.

27 ///

28 ///

REQUEST FOR PRODUCTION NO. 60:

All DOCUMENTS RELATING TO BLOCKBUSTER'S consideration(s) of acquiring NETFLIX, including without limitation any COMMUNICATION, plan, report, analysis and research.

RESPONSE TO REQUEST FOR PRODUCTION NO. 60:

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the terms "BLOCKBUSTER," and "NETFLIX," and "RELATING TO."

Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product documents discussing Blockbuster Inc.'s acquiring Netflix and will produce such documents so located that have not already been produced in this case.

REQUEST FOR PRODUCTION NO. 61:

All DOCUMENTS RELATING TO any actions taken by BLOCKBUSTER RELATING TO the potential acquisition of NETFLIX, including without limitation any plans or financial arrangements.

RESPONSE TO REQUEST FOR PRODUCTION NO. 61:

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-

product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the terms "BLOCKBUSTER," "NETFLIX," and "RELATING TO."

Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product documents discussing actions taken by Blockbuster Inc. to acquire Netflix and will produce such documents so located that have not already been produced in this case.

REQUEST FOR PRODUCTION NO. 62:

All DOCUMENTS RELATING TO BLOCKBUSTER'S consideration of selling BLOCKBUSTERONLINE to any company, including without limitation any COMMUNICATION, plan, report, analysis, or research.

RESPONSE TO REQUEST FOR PRODUCTION NO. 62:

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the

1 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," and "RELATING TO."

2 Subject to and without waiving the foregoing objections, Blockbuster
3 will conduct a reasonable and diligent search for non-privileged, non-work-product
4 documents discussing Blockbuster Inc.'s selling Blockbuster Online and will
5 produce such documents so located that have not already been produced in this
6 case.

7 **REQUEST FOR PRODUCTION NO. 63:**

8 All DOCUMENTS RELATING TO the possibility of
9 BLOCKBUSTER'S obtaining a license to any of the PATENTS-IN-SUIT from
10 NETFLIX, including without limitation any COMMUNICATION, plan, report,
11 analysis, or research.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 63:**

13 Each of Blockbuster's General Objections is incorporated here by
14 reference. Blockbuster specifically objects to this request to the extent it seeks
15 documents that are protected by the attorney-client privilege, the attorney work-
16 product doctrine, or any other applicable privilege or immunity and to the extent
17 that it seeks documents that are confidential or proprietary. Blockbuster further
18 specifically objects to this request on the grounds that it is vague, ambiguous,
19 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
20 calculated to lead to the discovery of admissible evidence in this case, and is
21 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
22 The bases for these objections include, without limitation, this request's use of the
23 terms "BLOCKBUSTER," "NETFLIX," and "RELATING TO."

24 Subject to and without waiving the foregoing objections, Blockbuster
25 will conduct a reasonable and diligent search for non-privileged, non-work-product
26 documents discussing Blockbuster Inc.'s obtaining a license to the patents-in-suit
27 from Netflix and will produce such documents so located that have not already been
28 produced in this case.

REQUEST FOR PRODUCTION NO. 64:

All DOCUMENTS referred to or described an Pages 72 through 77 of BLOCKBUSTER's July 28, 2006 Supplemented Initial Disclosures as documents that may BLOCKBUSTER may use to support its claims and defenses.

RESPONSE TO REQUEST FOR PRODUCTION NO. 64:

Each of Blockbuster's General Objections is incorporated here by reference. Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product documents as requested by this request and will produce such documents so located that have not already been produced in this case.

REQUEST FOR PRODUCTION NO. 65:

All DOCUMENTS RELATING to the categories of damages and the computation thereof described on pages 77 through 79 of BLOCKBUSTER's July 28, 2006 Supplemented Initial Disclosures.

RESPONSE TO REQUEST FOR PRODUCTION NO. 65:

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the term "RELATING TO."

Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product

documents showing the damages referred to in this request and will produce such documents so located that have not already been produced in this case.

REQUEST FOR PRODUCTION NO. 66:

All DOCUMENTS on Page 79 of BLOCKBUSTER's July 28, 2006 Supplemented Initial Disclosures as documents supporting Blockbuster Inc.'s damages.

RESPONSE TO REQUEST FOR PRODUCTION NO. 66:

Each of Blockbuster's General Objections is incorporated here by reference. Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product documents as requested by this request and will produce such documents so located that have not already been produced in this case.

REQUEST FOR PRODUCTION NO. 67:

All DOCUMENTS RELATING TO BLOCKBUSTER's allegation in its ANSWER, ¶ 88, that "[t]he relevant product market...is the market for ON-LINE DVD rentals and related subscription services," including without limitation all documents that tend to support or contradict that allegation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 67:

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the

1 terms "ON-LINE" and "RELATING TO."

2 Subject to and without waiving the foregoing objections, Blockbuster
3 will conduct a reasonable and diligent search for non-privileged, non-work-product
4 documents sufficient to reasonably describe and support the relevant market
5 referred to in this request and will produce such documents so located that have not
6 already been produced in this case.

7 **REQUEST FOR PRODUCTION NO. 68:**

8 All DOCUMENTS RELATING TO the market(s) in which ONLINE
9 DVD rental companies such as BLOCKBUSTERONLINE and NETFLIX compete
10 or may compete, including without limitation any reports, analyses, studies, or
11 statements made by BLOCKBUSTER, or on its behalf, concerning such market(s)
12 or market definitions.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 68:**

14 Each of Blockbuster's General Objections is incorporated here by
15 reference. Blockbuster specifically objects to this request to the extent it seeks
16 documents that are protected by the attorney-client privilege, the attorney work-
17 product doctrine, or any other applicable privilege or immunity and to the extent
18 that it seeks documents that are confidential or proprietary. Blockbuster further
19 specifically objects to this request on the grounds that it is vague, ambiguous,
20 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
21 calculated to lead to the discovery of admissible evidence in this case, and is
22 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
23 The bases for these objections include, without limitation, this request's use of the
24 terms "BLOCKBUSTER," "NETFLIX," "ON-LINE," and "RELATING TO."

25 Subject to and without waiving the foregoing objections, Blockbuster
26 will conduct a reasonable and diligent search for non-privileged, non-work-product
27 documents sufficient to reasonably describe and support the market referred to in
28 this request and will produce such documents so located that have not already been

1 produced in this case.

2 **REQUEST FOR PRODUCTION NO. 69:**

3 All DOCUMENTS RELATING TO the identity or characteristics of
4 actual or prospective competitors with ONLINE DVD rental companies, such as
5 BLOCKBUSTERONLINE and NETFLIX, including without limitation any
6 reports, analyses, studies, or statements made by BLOCKBUSTER, or on its behalf,
7 concerning actual or prospective competition from IN-STORE rentals, new or used
8 DVD sales, Broadband Internet, or video on demand.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 69:**

10 Each of Blockbuster's General Objections is incorporated here by
11 reference. Blockbuster specifically objects to this request to the extent it seeks
12 documents that are protected by the attorney-client privilege, the attorney work-
13 product doctrine, or any other applicable privilege or immunity and to the extent
14 that it seeks documents that are confidential or proprietary. Blockbuster further
15 specifically objects to this request on the grounds that it is vague, ambiguous,
16 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
17 calculated to lead to the discovery of admissible evidence in this case, and is
18 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
19 The bases for these objections include, without limitation, this request's use of the
20 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "NETFLIX," "ON-
21 LINE," and "RELATING TO."

22 Subject to and without waiving the foregoing objections, Blockbuster
23 will conduct a reasonable and diligent search for non-privileged, non-work-product
24 documents sufficient to reasonably identify competitors referred to in this request
25 and will produce such documents so located that have not already been produced in
26 this case.

27 **REQUEST FOR PRODUCTION NO. 70:**

28 All DOCUMENTS RELATING TO BLOCKBUSTER's allegation in

1 its ANSWER, ¶ 88, that “the relevant geographical market is the United States and
 2 its territories as a whole,” including without limitation all documents that tend to
 3 support or contradict that allegation.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 70:**

5 Each of Blockbuster’s General Objections is incorporated here by
 6 reference. Blockbuster specifically objects to this request to the extent it seeks
 7 documents that are protected by the attorney-client privilege, the attorney work-
 8 product doctrine, or any other applicable privilege or immunity and to the extent
 9 that it seeks documents that are confidential or proprietary. Blockbuster further
 10 specifically objects to this request on the grounds that it is vague, ambiguous,
 11 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor
 12 calculated to lead to the discovery of admissible evidence in this case, and is
 13 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.
 14 The bases for these objections include, without limitation, this request’s use of the
 15 term “RELATING TO.”

16 Subject to and without waiving the foregoing objections, Blockbuster
 17 will conduct a reasonable and diligent search for non-privileged, non-work-product
 18 documents sufficient to reasonably describe and support the market referred to in
 19 this request and will produce such documents so located that have not already been
 20 produced in this case.

21 **REQUEST FOR PRODUCTION NO. 71:**

22 All DOCUMENTS RELATING TO BLOCKBUSTER’s allegation in
 23 its ANSWER, ¶ 89, that “throughout the relevant time period up to and including
 24 the present, Netflix has had market power in the relevant product and geographical
 25 markets,” including without limitation all documents that tend to support or
 26 contradict that allegation.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 71:**

28 Each of Blockbuster’s General Objections is incorporated here by